

A. BACKGROUND

The U.S. shares a 5,525-mile border with Canada and a 1,989-mile border with Mexico. Our maritime border includes 95,000 miles of shoreline and navigable waterways as well as a 3.4 million square mile exclusive economic zone. Additionally, there are many international airports throughout the country. All people and goods entering the U.S. legally must enter through one of over 300 land, air, or sea Ports-of-Entry (POEs), which are controlled points of entry into the U.S. from foreign countries. A POE is a geographical location, such as an airport, seaport, or a land or river crossing that is the inspection point for various agencies for enforcement of immigration laws, customs regulations, and agricultural import restrictions. According to U.S. Government statistics, over 510 million people passed through POEs into the U.S. in 2001, as well as an enormous volume of trade: \$1.35 trillion in imports and \$1 trillion in exports.

The Immigration and Naturalization Service (INS) and the U.S. Customs Service (USCS) manage the borders of the U.S. Their responsibilities include:

- Enforcing immigration and customs laws;
- Promoting the legitimate flow of people and goods that fuel our economy; and
- Protecting the U.S. and its territories from threats to national security.

Current U.S. border management programs cannot consistently detect the unlawful entry of all terrorist threats, illegal aliens, or contraband. Specifically, the current program is unable to:

- Adequately establish the identity and status of international travelers who are not required to present travel documents;
- Share all vital border management information to alert immigration officials of unauthorized aliens, including National Security Threats (NSTs), in a timely fashion; and
- Coordinate the enforcement of all immigration laws.

Problems with border management have gained increased national attention in the aftermath of September 11, 2001. The President's Budget for Fiscal Year 2003, which was finalized in the weeks immediately following September 11, 2001, and submitted to Congress in February of 2002, proposed to increase spending on border security by \$2.2 billion (to total \$11 billion) in 2003 in order to increase the number of inspectors at POEs, purchase equipment to expand inspections of containers and cargo, design and test an entry/exit system, and improve the U.S. Coast Guard's (USCG) ability to track maritime activity. In addition, the 2003 budget proposed a \$722 million spending increase on programs that will use information technology to more effectively share information and intelligence horizontally (among federal agencies) and vertically (among federal, state, and local governments). In efforts to improve the situation at our POEs, Congress has passed several pieces of legislation that affect border management and shape the role of this Task Force.

Legislative Mandates

In Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Congress directed the Attorney General to develop an automated entry/exit system to collect records of arrival and departure from every alien entering and leaving the U.S. The provisions of IIRIRA were aimed at adopting stronger penalties against illegal immigration, streamlining deportation processes by curtailing the legal appeal process, and curbing the ability of terrorists to use the immigration process to enter and operate in the U.S. IIRIRA also imposed stricter requirements for Affidavits of Support filed by sponsors of certain new immigrants in order to limit their access to means-tested federal public benefits.

Congress amended Section 110 on June 15, 2000, with the Data Management Improvement Act (DMIA). The DMIA included a provision to establish a Task Force to make recommendations concerning the implementation of an entry/exit system and other measures to improve legitimate cross-border traffic, security, and coordination. The DMIA details the actions the Task Force is to take. At a minimum, the DMIA requires that the system must integrate the arrival and departure information on certain aliens that is in an electronic form and in the databases of the Department of Justice (DOJ), including INS, and the Department of State (DOS). The DMIA contains further requirements for matching arrival and departure information and for reports to Congress, using the available data, on alien overstays. The DMIA (Pub. L. 106-215) can be found in its entirety in Appendix B.

The Visa Waiver Permanent Program Act (VWPPA) passed by Congress on October 30, 2000, also affected DMIA Task Force activities. The VWPPA lays out specific procedures for the approval of a country for the Visa Waiver Program (VWP) and for country removals. A major provision in the VWPPA requires the Attorney General to develop and implement an entry/exit system that will collect a record of arrival and departure for every alien provided a waiver who arrives and departs by sea or air. President Bush requested, and Congress appropriated, \$13 million in the Counter Terrorism Supplemental, as well as \$16 million in the Fiscal Year 2002 Commerce, Justice, State Appropriations Bill, to fund the entry/exit system.

On October 26, 2001, Congress passed additional legislation affecting entry/exit control. In Sections 414 and 415 of the USA Patriot Act, Congress respectively addressed visa integrity and security and participation by the Office of Homeland Security in the entry/exit development and implementation process. Section 414 specifically states that the Attorney General should:

- Fully implement the integrated entry/exit system for airports, seaports, and land border POEs with all deliberate speed; and
- Begin immediately establishing the private and public membership task force required by DMIA to study and make recommendations on an entry/exit system and related border matters.

Most important, this legislation added two new considerations: the “utilization of biometric technology” and “the development of tamper-resistant documents readable at POEs.” The requirement for biometric technology significantly raises the bar on the development and cost for a viable entry/exit system.

On November 19, 2001, Congress passed the Aviation and Transportation Security Act of 2001, which substantially enhances the security of the aviation and transportation industries. The statute established the Transportation Security Administration (TSA) within the Department of Transportation (DOT) to be responsible for security in all modes of transportation, including:

- Civil aviation security, and related research and development activities;
- Security responsibilities over other modes of transportation that are exercised by DOT;
- Day-to-day federal security screening operations for passenger air transportation and intrastate air transportation;
- Policies, strategies, and plans for dealing with threats to transportation;
- Domestic transportation during a national emergency, including aviation, rail and other surface transportation, maritime transportation, and port security; and
- Management of security information, including notifying airport or airline security officers of the identity of individuals known to pose a risk of air piracy or terrorism or threat to an airline.

Specifically relevant for purposes of the entry/exit system, Section 115 required that within 60 days of the passage of the law, passenger-carrying air carriers must electronically transmit passenger and crew manifest data, with specific data elements, to the USCS via the Advance Passenger Information System (APIS).

The most recent legislation affecting border controls, the Enhanced Border Security and Visa Entry Reform Act of 2002 (BSA), was enacted on May 14, 2002. The major provisions of the BSA that pertain to the Task Force work are:

- Authorization for the appropriation of \$150 million to INS for improvements, expansion, and utilization of technology for border security and facilitating the flow of commerce and people at POEs;
- Development of an interoperable law enforcement and intelligence data system;
- Mandate that all visas and travel and entry documents issued by the Attorney General and the Secretary of State must be machine readable, tamper resistant, and use biometric identifiers by October 26, 2004;
- Requirement that readers and scanners that allow biometric comparison and authentication of all travel and entry documents be installed at all U.S. POEs;
- Requirement that manifest requirements be clarified and enhanced to include mandatory address while in the U.S. and electronic submission; and

- Mandatory transmission of electronic manifests to an immigration officer by all commercial vessels or aircraft transporting any person arriving or departing the U.S.

Proposed Legislation: To better address the issues of border and transportation security, the President proposed the establishment of the Department of Homeland Security on June 6, 2002. The Department will manage who and what enters the U.S. to prevent the entry of terrorists while facilitating the legal flow of people, goods, and services on which our economy depends. Major initiatives of the proposal include the following:

- Ensure accountability in border and transportation security by consolidating the current border and transportation security agencies (INS, USCS, USCG, TSA, and the Animal and Plant Health Inspection Service [APHIS]) under the Department of Homeland Security. The Department would also control the issuance of visas through the DOS and coordinate the border control activities of all federal agencies not incorporated within the new Department.
- Create “smart borders” that provide better security through better intelligence, coordinated national efforts, and international cooperation against the threats posed by terrorists and criminal activities. At the same time, the future border will be increasingly transparent to the efficient flow of people, goods, and conveyances engaged in legitimate economic and social activities.
- Reform immigration services by separating INS enforcement and service functions within the new Department. This reform aims to ensure full enforcement of the laws regulating admissions and to improve benefits to applicants.

The DMIA Task Force: The DMIA Task Force was established under the auspices of the Data Management Improvement Act to evaluate the following:

1. How the Attorney General can carry out section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 as amended;
2. How the U.S. can improve the flow of traffic at airports, seaports, and land border POEs through: A) enhancing systems for data collection and data sharing, including the integrated entry/exit data system, by better use of technology, resources, and personnel; B) increasing cooperation between the public and private sectors; C) increasing cooperation among federal agencies and among federal and state agencies; and D) modifying information technology systems while taking into account the different data systems, infrastructure, and processing procedures of airports, seaports, and land border POEs; and
3. The cost of each of its recommendations.

The DMIA also specifies that “the Attorney General, in consultation with the Secretary of State, the Secretary of Commerce, and the Secretary of the Treasury, should consult with affected foreign governments to improve border management cooperation.”

The DMIA Task Force is comprised of 17 members, including nine from the private sector, two representing state and local governments, five from federal departments, and the Chairperson, acting on behalf of the Attorney General. DMIA Task Force members were chosen to represent the broad spectrum of interests related to immigration and naturalization, travel and tourism, transportation, trade, law enforcement, national security, and the environment. (Members are shown in Appendix A, Task Force Components).

The Task Force is required to submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate containing the findings, conclusions, and recommendations of the Task Force by December 31, 2002, and by December 31 every year thereafter that the Task Force is in existence. Each report will also measure and evaluate how much progress the Task Force has made, how much work remains, how long the remaining work will take to complete, and the cost of completing the remaining work.

Task Force Activities in 2002: Despite initial delays in getting the Task Force started², the members all convened in February of 2002 to begin evaluating the issues mandated. The DMIA Task Force agreed to begin its work with a focus on recommendations for an entry/exit system. The Task Force will focus primarily on broader issues affecting POE security and facilitation in 2003/2004. The Task Force formed four subcommittees to better address the entry/exit issue in their respective business environments: airport, northern land border, southern land border, and seaport. This report reflects the findings of these subcommittees and the recommendations of the Task Force as a whole concerning entry/exit issues and related information technology systems. Additionally, this report outlines other issues pertaining to all POEs and the Task Force's proposed timeline for addressing these issues.

The IIRIRA, the DMIA, the VWPPA, the USA Patriot Act, and the BSA mandate specific actions regarding the development and implementation of an entry/exit system. The Entry Exit Project Team (a multi-agency group led by the INS that is developing the integrated entry/exit system), the DMIA Task Force, and Homeland Security must meet the following deadlines:

² The DMIA required the establishment of the Task Force within 6 months of enactment (December 2000). That was achieved by the publication of a Federal Register notice establishing the Task Force and soliciting membership and the signing of the Task Force charter by then-Attorney General Reno. Following the change in Administration in early 2001, the new leadership opted to review several issues, including the Task Force. The INS received approval to proceed with the Task Force in late fall of 2001 and immediately launched this effort.

Legislative Requirements for Entry/Exit

Deadline	Task	Legislation
12/15/00	The Attorney General will establish a task force.	DMIA
10/01/01	The Entry/Exit Project Team will develop and implement entry/exit control system for aliens entering under VWP at air and sea POEs.	VWPPA
10/01/02	Air and sea carriers must electronically transmit data on VWP aliens to entry/exit control system Entry/Exit Project Team will develop and implement an automated data sharing system so inspectors can access VWP information.	VWPPA
10/26/02	Homeland Security will report to Congress on the information needed to screen visa applicants and applicants for admission. The Entry/Exit Project Team must integrate all databases and data systems that process and contain information on non-citizens.	USA Patriot Act BSA
10/30/02	The Entry/Exit Project Team will report on the effectiveness of the VWPPA.	VWPPA
12/31/02	The Entry/Exit Project Team will submit a report providing immigration data and analysis. The DMIA Task Force will report on findings and recommendations for 2002.	DMIA DMIA
01/01/03	Commercial vessels and aircraft must submit arrival and departure manifest information electronically.	BSA
12/31/03	The Entry/Exit Project Team will implement an entry/exit control system that includes biometrics and tamper-resistant documents at sea and air POEs and submit a report on VWP analysis. The DMIA Task Force will submit a report on findings and recommendations for 2003.	DMIA, USA Patriot Act, and VWPPA DMIA
12/31/04	Entry/Exit Project Team will implement an entry/exit control system that includes biometrics and tamper-resistant documents at the 50 busiest land border POEs and submit a report on VWP analysis. The DMIA Task Force will submit a report on findings and recommendations for 2004. The Attorney General will submit a report on the effectiveness of the entry/exit control system and recommendations for the VWP.	DMIA, USA Patriot Act, and VWPPA DMIA VWPPA
12/31/05	The Entry/Exit Project Team will implement an entry/exit control system that includes biometrics and tamper-resistant documents at the remaining POEs and again submit a report on VWP analysis. The DMIA Task Force will submit a report on the findings and recommendations for 2005.	DMIA, USA Patriot Act, and VWPPA DMIA

B. CURRENT INSPECTIONS/OPERATIONS PROCESS AND SCOPE

Overview: In order to understand the scope of the Task Force recommendations, it is important to have a basic understanding of the current inspections and operations processes, including the deficiencies that necessitate the development and implementation of an improved entry/exit system. Therefore, this chapter begins with a basic summary of the current processes for entry and exit to and from the U.S., including documentary requirements, inspections processes and scope, growth projections, and the current entry/exit process.

The first step for entry to the U.S. for many travelers begins in their country of origin where they apply for the proper travel documents. Upon arrival at a POE, travelers are inspected and either admitted or determined inadmissible, requiring further action. There is a need for a system to capture and use the data collected during the inspection process, referred to as an entry/exit system. This entry/exit system has been the focus of the DMIA Task Force this year. The four subcommittees (air, sea, northern border, and southern border) have concentrated their efforts on studying issues surrounding entry/exit in their respective environments and developed proposals for improving the current system while allowing for the implementation of a new system.

The subcommittees paid particular attention to the flow of persons into and out of the U.S. beginning with the visa process overseas, boarding a carrier to the U.S. (where applicable), the inspection at a POE (entry), the proposed exit, and the interaction of stay management data, when related. Each individual subcommittee developed findings and proposals from the information gathered. The DMIA Task Force as a whole considered the proposals of each subcommittee and developed general recommendations for implementing an entry/exit system and improving current systems. The recommendations of the Task Force address the following areas:

- Facilities and infrastructure;
- Resources, personnel, and equipment;
- Cooperation and coordination;
- Enrolled low risk facilitation initiatives;
- Information technology systems;
- Quality of life, environmental, local impact;
- Entry and exit ;
- Documentary requirements; and
- Miscellaneous.

The specific recommendations appear in Chapter Two along with the supporting proposals from the subcommittees that led to the overall recommendations.

Documentary Requirements for Entry into the U.S.: For millions of aliens, entry into the U.S. must be preceded by the issuance of travel documents at U.S. Foreign Service posts abroad (see Appendix C, Minimum Documentary Requirements for Entry to U.S.). The principal travel documents issued are immigrant visas (IV), nonimmigrant visas (NIV), and Border Crossing Cards/B-1 and B-2 NIV, also referred to as laser visas.

The first step in the process of issuance of most immigrant visas (IV) is the filing of an IV petition with INS. If INS approves the petition, the approved IV petition is forwarded to the National Visa Center (NVC) in Portsmouth, New Hampshire, for further processing. All immigrant visa applicants must appear personally at U.S. Foreign Service posts to be interviewed by a consular officer prior to issuance of their visas. Visa applicants also must go through health screening, security, and criminal background checks prior to receiving a visa. Through IV data share, the issued immigrant visa information is sent electronically to INS at POEs so that it will be available when the immigrants arrive for entry processing.

The first step in the process of issuance of some non-immigrant visas (NIV), such as visas for temporary workers, is the filing of an NIV petition with INS. If INS approves the petition, the approved NIV petition is forwarded to the National Visa Center (NVC) for further processing. The beneficiary of the petition and the Foreign Service post at which the beneficiary will apply for the NIV are informed of the approved petition. The beneficiary can then pay the visa fee and submit a valid passport, NIV application, and any other required supporting documentation to the Foreign Service post.

Under the Immigration and Nationality Act (INA), full authority to issue or refuse visas is vested in consular officers. Consular officers also have the authority under the INA to require an interview of every applicant for an NIV. The consular officer may waive the interview depending upon the individual circumstances of each case. For example, the interview is often waived for persons who have had previous visas. The consular officer may waive the interview for persons who submit convincing documentary evidence of strong ties to their countries of residence with their applications, establishing to the satisfaction of the consular officer that they have a residence outside the U.S. that they have no intention of abandoning. Such evidence would vary from country to country. In some countries where visa fraud is prevalent, the policy of the Foreign Service posts may be to interview all NIV applicants.

There are many types of NIVs, with type B-2, or tourist visas, being the most common (see Appendix D, Classes of Nonimmigrant and Immigrant Visas). The basic requirements for application for a tourist visa are a valid passport, payment of the fee, and submission to a Foreign Service post of the visa application form with a photo attached.

NIV applications with digitized photos are sent electronically to Washington to be entered into the Consular Consolidated Database (CCD) and also to be shared with inspectors at POEs. Transmission of this NIV data is done on a real-time basis; with the database being updated every few minutes and the NIV data being shared with INS at the same time. This datashare process ensures that INS inspectors have NIV data available at POEs for all arriving non-immigrants with NIVs. This NIV datashare system has been in effect since December 2001, and DOS has shared with INS the database of NIVs dating back to 1998 NIV issuances. DOS extended this NIV datashare to USCS in July 2002.

In addition to NIV datashare, DOS is also now sending information on all IV issuances to INS at POEs. This IV datashare can effectively combat immigrant visa fraud.

Since 1998 DOS and INS have been engaged in a joint project to issue Border Crossing Cards (BCCs), or laser visas, to Mexican citizens. Applications for the BCCs, which include the live capture of photographs and fingerprints of the two index fingers, are taken at Foreign Service posts in Mexico. The captured data is then transferred electronically to INS in the U.S., where the BCCs are produced. The BCCs are then shipped back to the Foreign Service posts for issuance to the Mexican applicants. The BCC may be used for brief entries across the southern land border or to apply for entry into the U.S. by any mode of travel provided the bearer is also in possession of a valid Mexican passport.

Visa refusals are entered into the Consular Lookout and Support System (CLASS), and forwarded to the Interagency Border Inspection System (IBIS). The IBIS is the computer lookout system that is queried.

Visa Waiver Program (VWP): Aside from persons who enter the U.S. with visas, the Visa Waiver Program (VWP), originally created by the Immigration Reform and Control Act in 1986, allows nationals from 28 countries to enter the U.S. as temporary visitors for business or pleasure without first obtaining a visa (see Appendix C, Minimum Documentary Requirements for Entry to U.S.). Foreign nationals from participating countries can stay in the U.S. for a maximum of 90 days under the VWP.

The names of VWP travelers are provided to POEs by airlines and cruise lines via APIS. These names are normally cleared through IBIS, the computer lookout system, prior to the travelers' arrivals at POEs. Upon arrival, VWP applicants present their passports and completed green Form I-94W, *Nonimmigrant Visa Waiver Arrival/Departure*, to inspectors, who determine their eligibility for admission.

To be eligible for participation in the VWP, countries must comply with criteria established by statute. For example, countries must have a low nonimmigrant visa refusal rate and must produce or be in the process of developing a machine-readable passport. Also, the law enforcement and security interests of the U.S. must not be compromised by the participation of such countries in the visa waiver program, as determined by the Attorney General. The Visa Waiver Program was originally operated as a pilot program but became permanent with the signing on October 30, 2000, of the Visa Waiver Permanent Program Act.

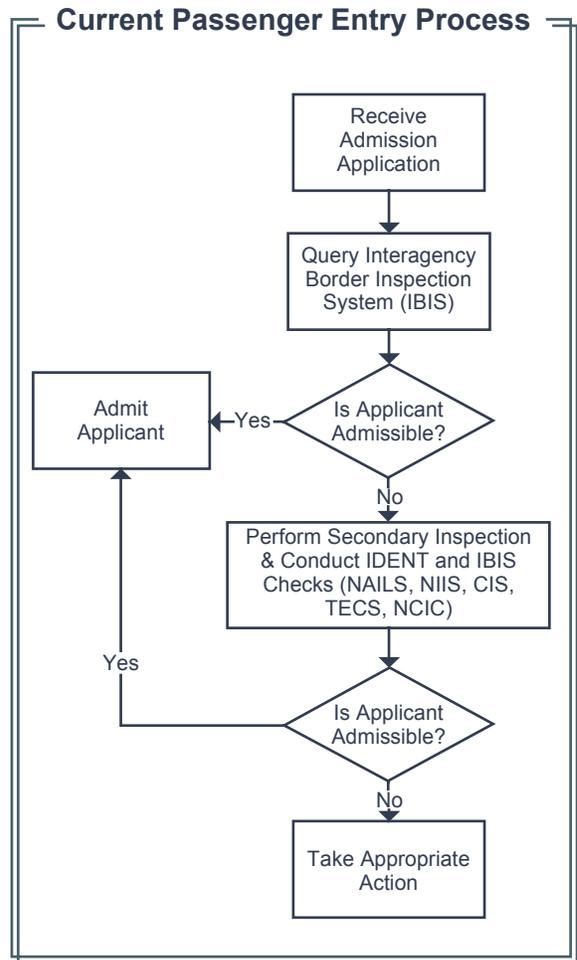
Inspection Process: Persons seeking entry into the U.S. are currently inspected at POEs and certain pre-inspection locations overseas by INS inspectors who determine the nationality and identity of each applicant, as well as his/her admissibility. USCS inspectors focus on the inspection of legitimate merchandise and the interdiction of illegal goods such as undeclared currency, weapons of mass destruction, and narcotics. INS and USCS inspectors assigned to land border POEs are cross-designated in primary functions of both agencies.

The vast majority of all travelers are granted entry after a primary inspection performed in less than 1 minute (ranging from a few seconds on up). In typical primary inspections, an inspector examines a traveler's entry documents, briefly interviews him/her to ascertain the validity of the purpose for entering the U.S, and verifies the traveler's identity with the documentation presented. Inspectors must review documents for accuracy and potential fraud as well as observe verbal and non-verbal responses to determine admissibility. Inspectors are trained to utilize interview questions and other techniques to determine whether a person is eligible for entry into the U.S. and whether or not there are any conditions associated with that entry.

The inspector also queries IBIS, which retrieves and stores law enforcement lookout data from participating agencies, to determine whether there is a "lookout" for a person or vehicle.

When an inspector has all the information available, a decision is made to admit the traveler into the U.S. or to refer the person for further inspection. If the inspector determines that the traveler may be inadmissible based on results of the IBIS query, behavioral observations, documentation, or responses to questions, the person is referred to a secondary inspection process for further inspection. Secondary inspection can consist of a thorough search of documentation, personal belongings, in-depth interviews, and multiple system queries including Non-immigrant Information System (NIIS), Central Index System (CIS), Computer Linked Application Information Management System (CLAIMS), National Automated Immigration Lookout System (NAILS), the National Crime Information Center (NCIC), Treasury Enforcement Communications System (TECS), and the Automated Biometric Identification System (IDENT), among others.

Travelers who are determined inadmissible are detained and are subject to enforcement actions as required. A total of 60,493 individuals were found inadmissible in June 2002, an increase of 8 percent from June of 2001.

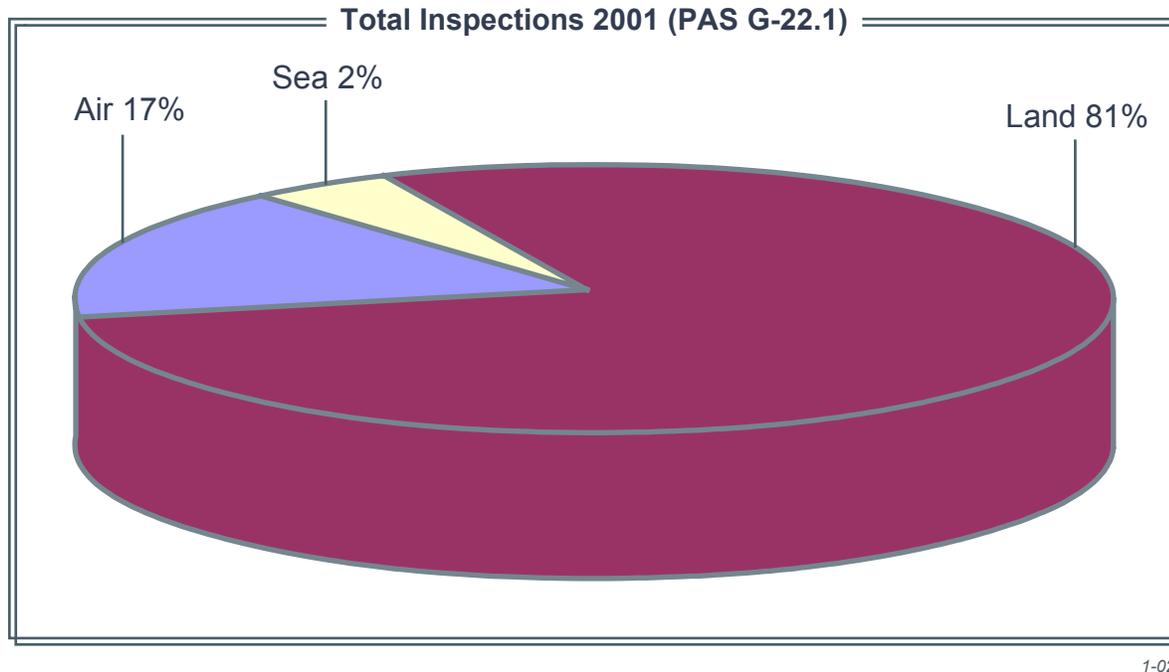


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People found inadmissible include aliens referred to secondary inspection who withdraw their application for admission and return, are refused entry, are paroled in, or are referred to an immigration judge for a removal hearing. Also included are expedited removal cases where an alien can withdraw, or receives an expedited removal order, or is referred for a credible fear interview.

To make decisions about admissibility, inspectors must be familiar with various documents, including passports from multiple countries, birth certificates, Border Crossing Cards, Alien Registration Cards, re-entry permits, refugee travel documents, advance parole (one page document with photo), and other U.S. documents, some of which are machine-readable. DOS issues numerous classes of visas to aliens applying for entry into the U.S. However, not all aliens require a visa. Travelers coming from one of the 28 countries involved in the VWP are exempt from having to acquire special visa documentation. Various other travelers are granted exemptions from documentary requirements; for example, Mexicans may cross a land border with a Border Crossing Card, and Canadians entering the U.S. require neither a visa nor a passport. Travelers who are not exempt must complete and submit a Form I-94, *Arrival Departure Record*, at entry (See Appendix C, Minimum Documentary Requirements for Entry to U.S.).

Inspections at Land Border POEs: There is a marked difference between an inspection conducted at an air or sea POE and one conducted at a land border. Because of their varied status, divergent points of origin, unfamiliarity with requirements and regulations, and the increased risk to the U.S., most applicants for admission at seaports and airports receive a comprehensive inspection that includes mandatory data systems checks. In contrast, the great majority of persons arriving at land border POEs are residents of the border area who cross frequently and are familiar with requirements concerning their entry into the U.S. and receive an inspection that may include data systems checks. The vast majority of all border crossings into the U.S. occur at land border POEs (see chart below). Border traffic includes U.S. citizens who leave and reenter the U.S. multiple times daily, permanent residents who make multiple entries, and aliens who hold non-immigrant visas or border crossing cards and commute back and forth daily or weekly from Canada or Mexico. Individuals can cross land borders as pedestrians, on bicycles, in cars, rails, buses, trucks, or other vehicles.



Adding to the already large numbers of land border crossings, agreements such as the North American Free Trade Agreement (NAFTA) have promoted substantial growth in trade and tourism between countries. New agreements such as the 30-point Smart Border Action Plan with Canada and the 22-point Plan with Mexico also strive to improve border processes. At the same time, in the aftermath of September 11, 2001, the Bush Administration directed the closing of all unmanned POEs and called for increased scrutiny at land borders, requiring more intense screening in all aspects of the inspection process.

To achieve heightened border security after September 11, all POEs were placed on a Level 1 security alert. Since then, the inspections of border crossers, their belongings, and their vehicles have been more detailed. Security operations include: special roving teams to open more vehicle trunks and hoods; placement of magnetometers and X-ray machines in pedestrian walkways; after-hours officer presence at non-24-hour POEs; photo identification required of all applicants for entry, including U.S. citizens; and extensive computer queries on IBIS during the primary inspection of pedestrians.

This heightened border security has had noticeable and significant effects. Wait times have increased because inspection procedures have been intensified, resulting in a lower number of legal crossings, especially in the pedestrian walkways. However, the current delays are not as long as in the immediate aftermath of September 11.

Historically, to ensure enforcement while facilitating inspections and expediting the flow of commerce, screening procedures had been established at land border POEs to rapidly inspect applicants for admission, passing through those found readily admissible and referring for further action those requiring more detailed inspections. A primary INS or USCS inspector conducts a single inspection for several federal agencies (INS, APHIS, USCS, and the U.S. Public Health Service [USPHS]).

Vehicles entering at Canadian or Mexican border POEs must come to a complete stop and the license plate reader unit (LPR) enters the license plate number into the IBIS system or, if the system is unavailable or inoperable, the inspector enters the number manually. The inspector must then determine the nationality and admissibility of each applicant for admission as well as obtain an oral customs declaration from the operator of each vehicle and other persons as appropriate. Based on the answers to questions asked and observations of the occupants of the vehicle, the inspector must determine immediately whether an in-depth inspection is required. If he/she is satisfied that the requirements for all federal agencies have been met, the inspector will admit the vehicle and/or persons. If not, they will be referred to the appropriate agency for secondary inspection and further determinations.

Land border inspectors rely on data checks, their powers of observation, and their familiarity with various documents in making the determination to admit travelers. At northern land border crossings, most travelers give an oral declaration of nationality because of the waived visa and passport requirements for U.S. and Canadian citizens. Inspectors must be alert for aliens attempting fraudulent entry due to the perceived notion that the success rate for illegal entry is higher at these busier POEs.

The land POEs can be segregated into northern and southern border areas, because of major differences in infrastructure, operating environment, and types of traffic and documents. Specific differences between the northern and southern land borders are illustrated on the following chart.

Land POEs: Northern and Southern Border Differences

Northern Border	Southern Border
<i>Number and Infrastructure</i>	
<p>123 POEs, most small, remote with low volume of traffic</p> <p>Locations near tunnels and bridges do not always allow for the infrastructure to expedite inspections for travelers using Automated Inspection Systems</p>	<p>43 POEs, most are large with high volume of traffic</p> <p>Different road infrastructure (dedicated bridges, multiple travel lanes) encourage travelers to use Automated Inspection Systems to speed inspection process</p> <p>Infrastructure (e.g., sidewalks) available for pedestrian and bicycle traffic</p>
<i>Volume and Variations</i>	
<p>Mostly vehicular traffic</p> <p>Unmanned, remote POEs have been closed in the aftermath of 9-11</p> <p>Pre-enrollment system with machine readable card is being used at several POEs</p> <p>Surface trade worth over \$365 billion in 2000 (Bureau of Transportation Statistics)</p>	<p>High volume of both vehicular and pedestrian traffic</p> <p>Many POEs use automated inspection systems to quickly screen pre-enrolled travelers</p> <p>Pre-enrollment system with vehicle transponder is being used at several POEs</p> <p>Surface trade worth over \$210 billion in 2000 (Bureau of Transportation Statistics)</p>
<i>Types of Traffic and Documents</i>	
<p>Majority of travelers are U.S. or Canadian citizens</p> <p>No visa or passport is required for U.S. or Canadian citizens</p>	<p>Majority of travelers are citizens of the U.S. or Mexico</p> <p>Border Crossing Cards (BCC), Alien Registration Cards, multi-type non-immigrant visas (NIV), and other documents are regularly inspected. Visa and I-94 form are required if entering U.S. for more than 72 hours or going farther than 26 miles past the border</p>

Pre-entry Screening at Southern Border: At U.S./Mexico land border crossings, all aliens (except those specifically exempt from passport and/or visa requirements) seeking admission into the U.S. are required to present documentary proof of their citizenship. Mexican nationals can apply for a Border Crossing Card/laser visa that can be used in lieu of a passport and visa for entry into the U.S. The Border Crossing Card is managed jointly by the INS and DOS. Individuals applying for a Border Crossing Card are prescreened and their entry is expedited.

The Secure Electronic Network for Traveler's Rapid Inspection (SENTRI) program is an electronic, dedicated commuter lane that expedites the flow of low-risk, frequent border crossers through a POE while maintaining the security of our borders. SENTRI users are pre-enrolled; extensive background checks are conducted through a network of law enforcement databases. Each time a participant enters through the SENTRI lane, the system automatically accesses the SENTRI database and displays all persons who are authorized to be in the vehicle. SENTRI is currently operational at Otay Mesa and San Ysidro, California and El Paso, Texas. There are over 45,000 participants in these locations. Since September 11, SENTRI enrollment applications have increased by more than 100 percent.

Pre-entry Screening at Northern Border: SENTRI technology used at Detroit, Michigan and Buffalo, New York is scheduled to be replaced by NEXUS technology by the spring of 2003. NEXUS is currently in place at Port Huron/Sarnia, Michigan, and Blaine, Washington, POEs. NEXUS uses a pre-enrollment process to screen applicants and then issues a proximity card that can be read as the car moves past the inspection station. The inspecting officer makes a positive identification of each participant based on the picture and personal information on screen. There is also a small boat permit program in place to facilitate the entry of small craft making frequent entries from Canada to the U.S. Applicants complete a Form I-68, and if approved, the permit is valid for 1 year. Northern land border POEs also use Outlying Area Reporting Stations (OARS) to facilitate remote inspections (typically at marinas), for those wishing to enter the U.S. This system relies on videophone technology and interfaces with the Global Enrollment System (GES); it is primarily deployed in remote areas on the northern border.

Inspections at Air POEs: Like inspections at land POEs, airport inspections require a balance between security and the expeditious entry of travelers. Delays at airport POEs have impacts aside from the slowing of commerce, such as travelers missing connecting flights. In the first and second quarters of Fiscal Year 2002, a total of 180,668 flights were inspected, with only 8,454 flights taking more than 45 minutes for processing (PAS G-22.1, INS Statistics). Inspectors at airports often must review several different types of forms and documentation from countries all over the world. Inspectors at air POEs must also coordinate closely with aviation industry organizations and other agencies that conduct inspections, such as USCS, USPHS, and APHIS. These considerations make the process at air POEs substantially different than at land POEs. Furthermore, there are significantly fewer inspections at air POEs than at land POEs: in Fiscal Year 2001, over 84 million citizens and aliens were examined or inspected at air POEs; almost 31 million inspections were conducted in the first 6 months of 2002.

Air POEs have an INS-staffed primary inspection area with IBIS terminals located in front of the baggage claim area. The immigration officer completes a primary inspection, including an IBIS query, for all agencies and refers any secondary cases to each agency, according to agreed-upon criteria. The primary inspector generally communicates with the secondary officer via IBIS concerning the basis for referrals, although other methods are sometimes utilized.

At most air POEs, a separate booth is designated solely for inspection of crewmembers. Each arriving alien crewmember must present a completed Form 1304, *Crew Customs Declaration*, a valid passport with a D-1 visa, and a Form I-95, *Crewman's Landing Permit*. U.S. citizen crewmembers must show a passport if arriving from travel outside the western hemisphere. Resident alien crewmembers may travel on Form I-551, *Alien Registration Card*.

Pre-entry Screening at Air POEs: Pre-inspection services are currently provided at several foreign air POEs and in some U.S. territories and possessions. At these locations travelers and crewmembers are inspected before boarding an aircraft that will enter the U.S. There are currently two forms of pre-entry screening: pre-clearance, which clears a traveler for both INS and USCS processing, and pre-inspection, which clears a traveler for INS processing only.

Pre-clearance (INS and USCS) at foreign locations is currently available at the following sites: Vancouver, Edmonton, Winnipeg, Calgary, Toronto, Ottawa, and Montreal, Canada; Aruba; Freeport and Nassau, the Bahamas; and Bermuda. Pre-inspection (INS only) at foreign locations is available at Shannon and Dublin, Ireland. The IIRIRA calls for the establishment and maintenance of five pre-inspection sites at foreign airports that are the last points of departure for the greatest numbers of inadmissible alien passengers and five additional airports to be determined in order to most effectively reduce the number of aliens who are inadmissible.

The INS also pre-inspects all persons traveling to the U.S. mainland from the U.S. Virgin Islands, Guam, and Puerto Rico. USCS is also located for inspection purposes in the U.S. Virgin Islands and Puerto Rico.

The process for pre-inspection is basically the same as at a POE, but there may be some variations due to port policy and routines established at those stations. One major exception is that expedited removal procedures may not be applied at pre-inspection or pre-clearance stations, and inspectors have no authority to make arrests. Travelers who are determined to be inadmissible are advised of this determination and are given the option of not traveling. Referrals to host country law enforcement authorities present on-site are used in certain cases as well.

International-to-International Transit Passenger Inspections: International-to-international passengers are inspected in the in-transit lounge. Carriers using the in-transit lounge are required to provide APIS information on 100 percent of passengers and crew. The inspection consists of a visual examination during the transfer process at the POE. This does not require an examination of each passenger and his or her travel documents. Questioning of these passengers and examination of their travel documents is done selectively and on a random basis to avoid interfering with the overall operation.

Transit Without Visa (TWOV): TWOV applicants are aliens in continuous and immediate transit through the U.S. They are exempt from the requirement for a passport and visa valid for entry into the U.S., but must be in possession of a travel document or documents establishing their identity, nationality, and ability (including any required visa) to enter the country to which they are destined, other than the U.S. Each TWOV passenger must have a confirmed transportation ticket to depart from the U.S. within 8 hours or on the first available transportation. A maximum of two stopovers en route is permitted.

Each arriving TWOV passenger should present a blue I-94T, *Transit Without Visa (TWOV)*, along with the other required documents stated above. The departure I-94T is stapled to the outbound ticket coupon and the POE retains the arrival I-94T. The passenger and documents are turned over to the arrival carrier, in accordance with local port procedures.

Private Aircraft/General Aviation: All private aircraft entering the U.S. are required to notify USCS or INS, generally one hour before anticipated arrival, to request the presence of an inspector. All persons on board are inspected in the same manner as those on commercial flights, although often these inspections are conducted at smaller designated general aviation POEs.

Inspections at Sea POEs: Certain aspects of seaport inspections are similar to airport inspections; for example, incoming vessels must provide advance manifest data. Seaport inspections require close cooperation with other federal inspection agencies and the USCG and consist mainly of primary inspections with secondary inspections as needed. Unlike land and airport inspections, however, seaport inspections often require the capability to perform inspections remotely, either at the dock or on board a ship or vessel. Seaport traffic volumes are low in comparison to land and air POEs: in Fiscal Year 2001, the INS conducted about 9.6 million total inspections on cruise ship passengers and crew and 2.3 million inspections on other than cruise vessels, compared to 414 million at land POEs and 84 million at air POEs (PAS G-22.1, INS Statistics).

Other aspects of the inspection procedures in a seaport environment differ significantly from those at airports or land borders. Many of the procedures have been only slightly modified from those developed many years ago. Most vessels inspected today are cargo vessels with only crewmembers on board. Passenger vessels are predominantly cruise ships, with most passengers beginning and ending their trips in the U.S. Cruise ship inspection, involving a large volume of U.S. citizen passengers and crewmembers who may have made several entries in just a few weeks, is handled upon arrival, through pre-inspection, or en route, using a relatively small inspection staff. Because of the large volume of passengers and crew on many cruise vessels and the rapid turnaround time required for unloading passengers from one cruise and loading for the next, cruise lines often request that INS conduct the immigration inspection while the ship is en route from the last foreign port back to the U.S. However, in the wake of September 11, en route inspections are conducted at the discretion of the district or POE.

Cargo vessels are inspected in port or "in-stream," based on arrangements made by the vessel's agent. In-stream boardings can be hazardous and time-consuming. They are typically used when a ship will be at anchor for a prolonged period prior to docking or will proceed to a docking facility that is distant from the major port area. Such boardings are generally arranged to accommodate the needs of the vessel's operator, at the convenience of the inspection agency. The shipping agent also arranges for dockside inspection of vessels. Inspection must be complete before any other activities commence, such as unloading cargo. Ordinarily, the INS and USCS inspectors are at the dock when the ship's gangway is lowered and are the first to board.

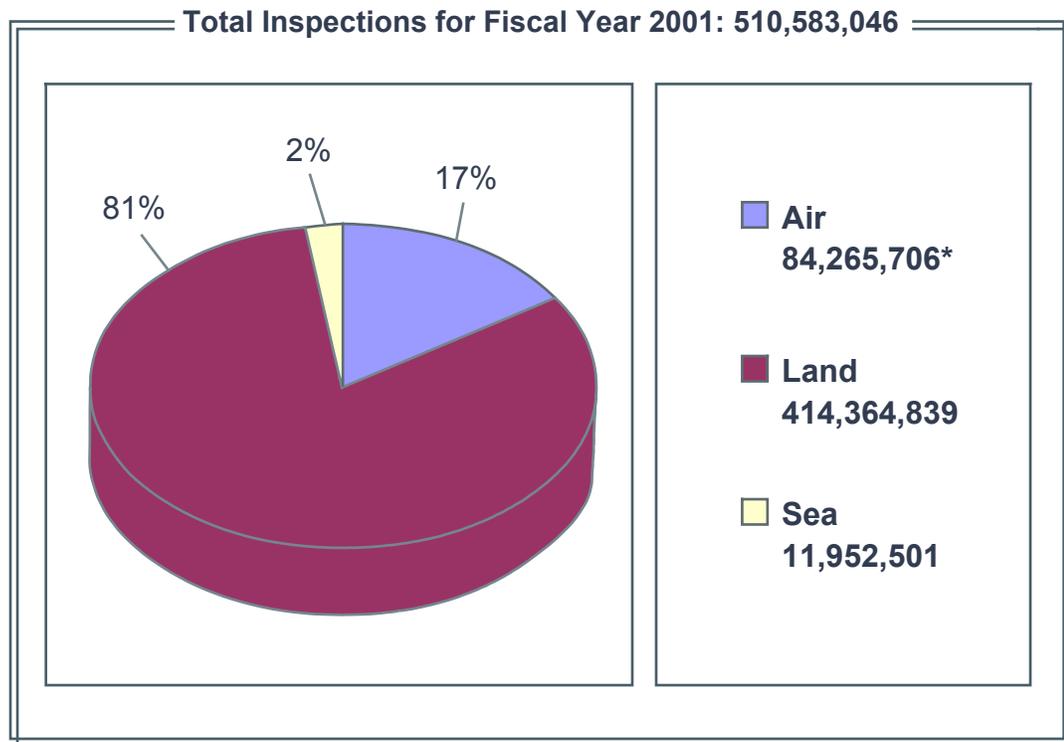
Most seaport inspections are conducted using the Portable Automated Lookout System (PALS) laptops. PALS utilizes data from a CD-ROM that is updated monthly and contains "lookout" information on individuals who should be denied admittance. Inspectors usually take the PALS laptop onto the ship or vessel to conduct the inspection. The master or purser of the vessel will provide a manifest, usually on Form I-418, *Passenger List-Crew List*, of all the passengers. A lookout query on APIS is required of all passengers, either at the time of arrival or in advance. When inspectors receive manifest information in advance, they have access to other real-time inspections systems, and more advanced checks can be conducted in IBIS, NAILS, and NIIS.

Passenger Inspection: Unless a vessel is pre-inspected or an en route inspection has been arranged, passengers will be inspected after docking. Some port facilities have a passenger terminal with inspection booths similar to those at airports. The manifest, usually on Form I-418, is used to query all passengers on APIS. U.S. citizen passengers who departed on the same cruise vessel are not generally required to report for inspection, but may be examined briefly upon disembarkation. Along with previously provided manifests, data checks, and positive access controls to the ships, an oral declaration of citizenship is usually accepted for U.S. citizens. All other passengers appear with necessary documentation for inspection by an immigration officer. Any passengers who arrive on a cargo vessel are handled in the same manner.

Crew Inspection: Inspectors first review the Form I-418 with the names and biographic data of the crewmembers for both cargo vessels and cruise ships. Each crewmember must appear for inspection, and every non-immigrant must present a passport or seaman's book, if required, and Form I-95, *Crewman's Landing Permit*, or Form I-184, *Crewman's Landing Permit and Identification Card*.

Private Vessels: As with private aircraft, a single inspector, notified upon arrival, generally inspects private vessels. People operating vessels that do not regularly transport goods or passengers are not considered crewmembers, but are inspected as any other traveler.

Volume and Modes of Transportation at POEs: Clearly there are similarities in inspection processes at all types of POEs. At every type of POE, inspectors must conduct a primary inspection quickly and determine if the applicant must be recommended for a more in-depth secondary inspection. The land border POEs have a much higher volume of traffic than air or sea POEs, making the necessity for efficient primary inspections imperative. Furthermore, land POEs must handle multiple modes of transportation including commercial and private vehicles, buses, trains, and pedestrians.



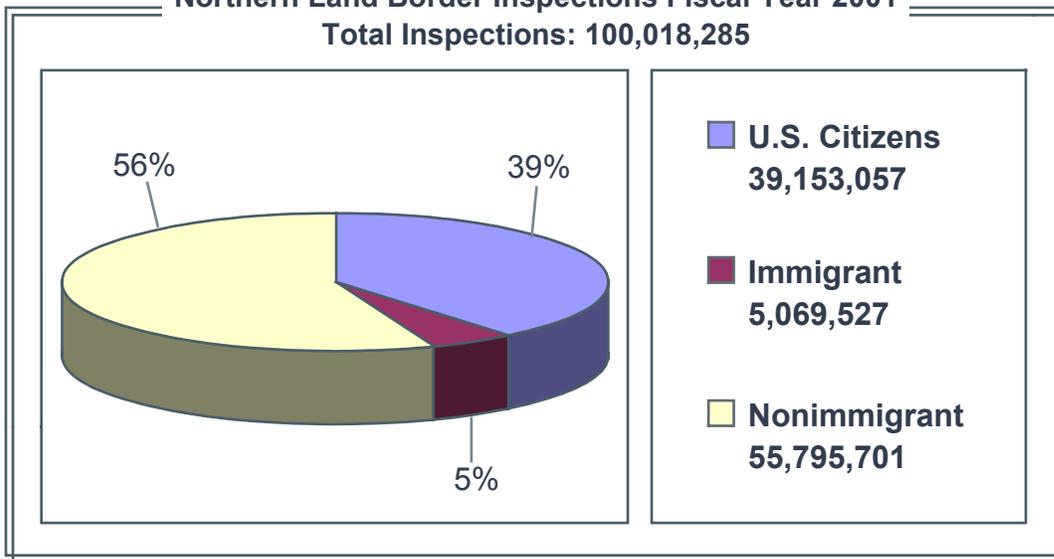
Source: PAS G-22.1 INS Statistics

1-03

*Includes 4,651,037 departure inspections from Guam, the U.S. Virgin Islands, and Puerto Rico

Northern Land Border Inspections Fiscal Year 2001

Total Inspections: 100,018,285

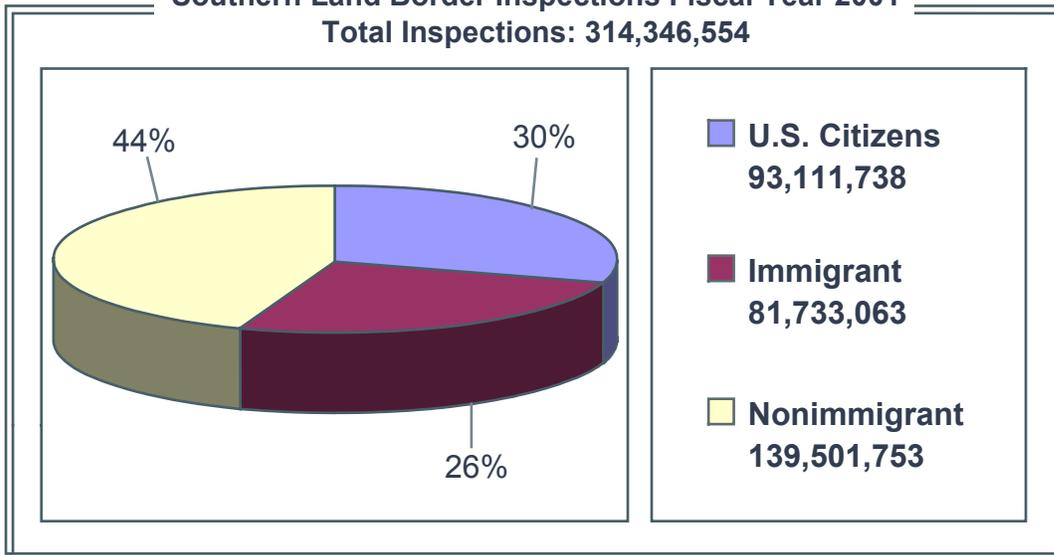


Source: PAS G-22.1 INS Statistics

1-04

Southern Land Border Inspections Fiscal Year 2001

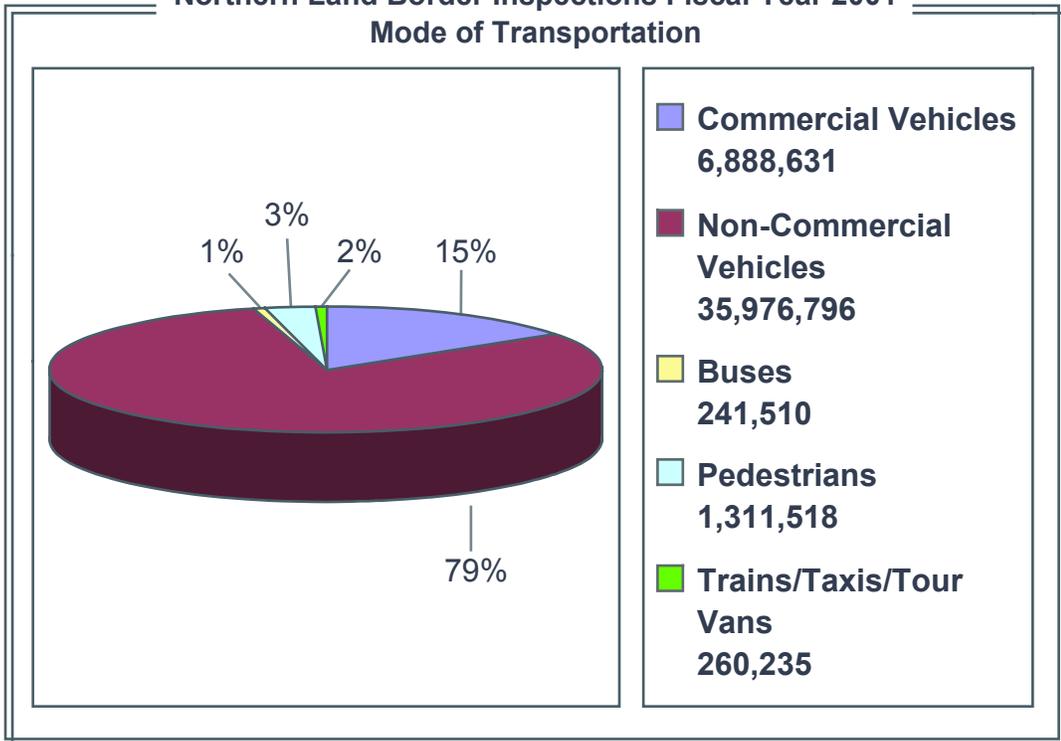
Total Inspections: 314,346,554



Source: PAS G-22.1 INS Statistics

1-05

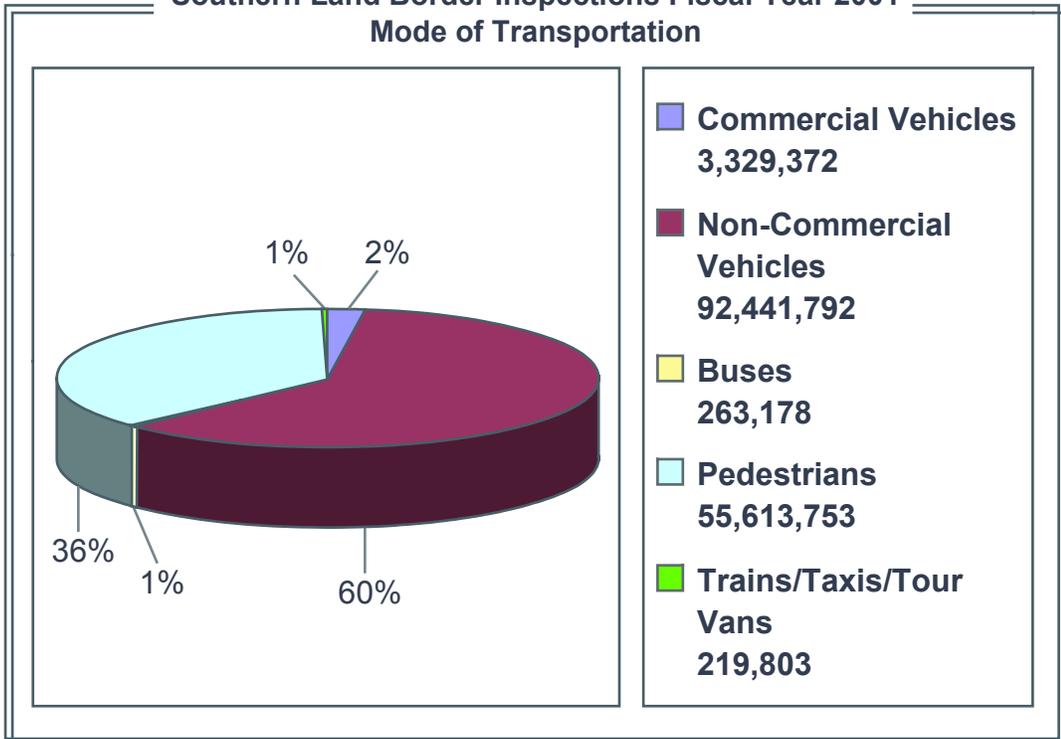
**Northern Land Border Inspections Fiscal Year 2001
Mode of Transportation**



Source: PAS G-22.1 INS Statistics

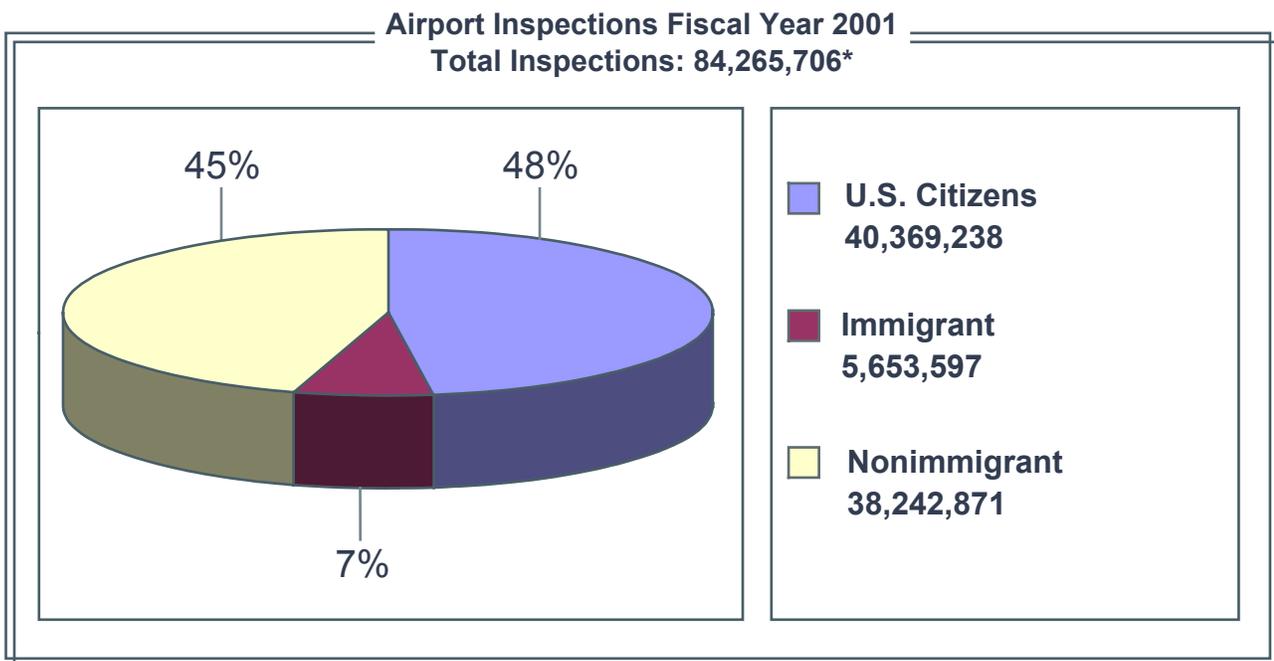
1-06

**Southern Land Border Inspections Fiscal Year 2001
Mode of Transportation**



Source: PAS G-22.1 INS Statistics

1-07

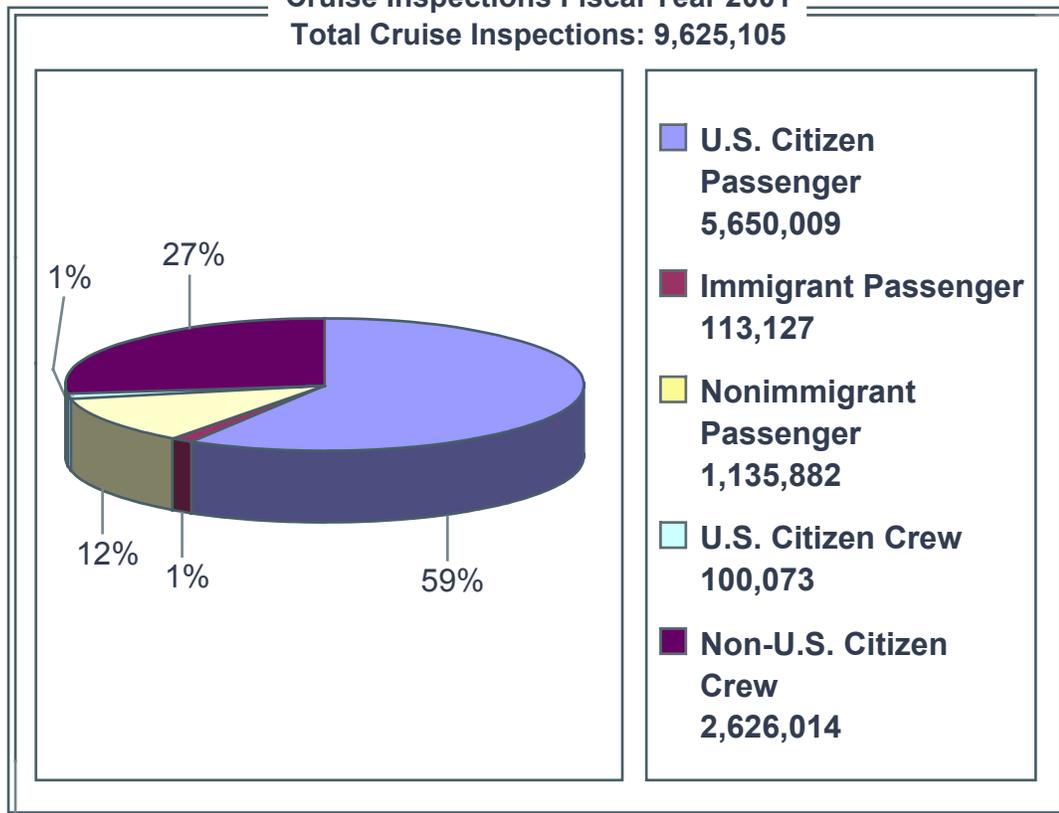


Source: PAS G-22.1 INS Statistics

1-08

*Includes 4,651,037 departure inspections from Guam, the U.S. Virgin Islands, and Puerto Rico

Cruise Inspections Fiscal Year 2001
Total Cruise Inspections: 9,625,105



Source: PAS G-22.1 INS Statistics

1-09

Other Sea Inspections Fiscal Year 2001
Total Other Sea Inspections: 2, 237,396

Cargo inspections cannot be delineated from the 2,327,396 other sea inspections total, which include inspections from cargo vessels, ferries, private vessels, military vessels, etc.

Source: PAS G-22.1 INS Statistics

1-09b

C. GROWTH PROJECTIONS

Land Border Growth Projections: Southern and northern land border inspections combined comprise 80 to 85 percent of the total inspections performed at all POEs. The largest increase in inspections (11.3 percent over one year) was seen on the southern border in Fiscal Year 1994, due perhaps to the NAFTA. However, in Fiscal Year 1995, the number of inspections on the southern border dropped by over 8 percent. With that one exception, the number of southern land border inspections fluctuated between a maximum decrease in one year of 3 percent, and a maximum increase in one year of 4 percent.

Inspections on the northern border have been on the decline over the past 8 years—from approximately 153 million in Fiscal Year 1992 to almost 114 million in Fiscal Year 2000. Northern land border inspections once comprised over 36 percent of all land border inspections; however, that percentage dropped to about 24 percent in Fiscal Year 2001. The number of northern land border inspections decreased a total of 12 percent from Fiscal Year 2000 to Fiscal Year 2001, with total inspections dropping to about 100 million. The events of September 11 have had a significant impact on northern land border crossing activities. Traffic literally stopped immediately following the attacks, and the number of people crossing the border decreased precipitously in the following weeks.

Prior to September 11, the gradual decline in the number of people crossing the northern border can be attributed for the most part to the fluctuating value of the Canadian dollar and the world economy overall. The Canadian dollar peaked at U.S. \$0.8934 in November 1991, fell sharply through 1992, and then continued a gradual decline throughout 1993 and 1994. In 1995 and 1996, a degree of stability in the Canadian dollar was temporarily re-established; however, in 1998 it hit another low of US \$0.6311. These fluctuations are primarily the result of lowering interest rates, budgetary problems at the federal and provincial levels, and large current account deficits. Other factors, such as the international environment, the Mexican peso crisis, and rising U.S. interest rates, precipitated a generalized flight into holding U.S. dollar assets.

The Canadian dollar began dropping again in November 2001 and continued to do so into 2002, hitting an all-time low of just under U.S. \$0.6260. There are indications that the Canadian dollar is beginning to gain in valuation and this trend is projected to continue over the next 6 to 8 years, barring any further catastrophic events. It is anticipated that as the Canadian dollar and overall economy grow stronger, the number of people traveling across the northern border will increase.

The growth projections developed by the Task Force are based, for the most part, on historical inspections information, trend analyses, and various historical events, all of which contributed to the development of an algorithmic pattern. While the projections fluctuate from year to year, the number of northern land border inspections is projected to increase by approximately 8.6 percent over the next 4 to 5 years, reaching its pre-September 11 levels of about 110 million in Fiscal Year 2006. This is approximately 25 percent of the total inspections performed at all land border POEs. Should the Canadian dollar increase in value beyond current projections, traffic volume would increase as well.

The projected number of inspections on the southern border ranges from about 309 million in Fiscal Year 2003 to an estimated 331 million in Fiscal Year 2010, with year-to-year fluctuations ranging from -2.5 to +3.8 percent, consistent with the aforementioned algorithm.

Commercial traffic and trade along both the northern and southern borders has been steadily increasing. The advent of commercial traffic facilitation initiatives such as the USCS Trade Partnership Against Terrorism (CTPAT), the Automated Commercial Environment (ACE), the Border Release Advanced Selectivity System (BRASS), and the International Trade Data System (ITDS) will help to address the anticipated increased traffic flow. The success of these initiatives could be augmented with the appropriate infrastructure improvements.

It is anticipated that the deployment of the entry/exit system along with the new technologies that are being developed will have an impact on the number of persons crossing our borders. That impact is, for now, not clear. However, as has been done in the past, statistical information will continue to be captured and analyzed in an effort to determine what that impact will be.

Airport Growth Projections: The aviation industry experienced steady growth from Fiscal Year 1992 through Fiscal Year 2000—between 4 and 7 percent per year. Understandably, the events of September 11 have resulted in a decline in air passengers of almost 8 percent during Fiscal Year 2002. The most recent projections indicate that the industry would reach its pre-September 11 passenger levels—an estimated 83 million passengers—during Fiscal Year 2005.

Passenger volume through the year 2010 is projected to reach approximately 106 million, based on the aviation industry's projected growth, and assuming no further catastrophic events occur.

As the number of airline passengers increases, so does the level of revenue collected. The resources required to perform inspections and related activities increase as well. Additional inspectors, space, equipment, and infrastructure are required to manage the increased workload.

Seaport Growth Projections: The cruise line/cargo industry represents just over 2 percent of the total inspections workload. In Fiscal Year 2001, almost 12 million inspections were performed on passengers and crewmembers, and that number is projected to grow steadily. As mentioned previously, under the current process, a cruise line passenger can be inspected several times during a single cruise, depending on each ship's itinerary. Should the proposal to implement Automated Personnel Assisted Security Screening System (APASS) or a similar process be accepted, the inspections workload would decrease, even though passenger volume would continue to rise.

The North American cruise industry continues to grow and expand. During 2001, 6.8 million U.S. residents took cruise vacations throughout the world, accounting for 81 percent of the industry's global passengers. U.S. POEs handled 5.9 million cruise embarkations during 2001—70 percent of all global embarkations³.

³ Source: Business Research and Economic Advisors Report, "The Contribution of the North American Cruise Industry to the U.S. Economy in 2001."

The cruise industry plans to add additional cruise ships to the North American fleet that will significantly increase the capacity of the industry over the next 3 to 5 years. Based on past history and the prospective new growth in the cruise line industry, the Task Force projects the number of passengers to increase by over 17 percent between 2003 and 2006. By the year 2010, the Task Force projects the number of cruise passengers will increase by more than 62 percent over the 2002 level.

Again, while the number of passengers is projected to increase steadily, the number of inspections should decrease based on the proposal to implement more advanced technology and the requisite changes in policy and regulation. With the advent of APASS and enhanced biometrics, both the cruise lines and inspectors will be better equipped to perform their duties.

It is envisioned that by the year 2010, the number of cruise line inspections will be almost equal to the number of passengers. The Task Force does not envision a one-to-one ratio (i.e., one inspection per passenger), as there may be a need to inspect certain individuals more than once, based on an inspector's determination of need.

Office of Travel and Tourism Industries Forecast: The U.S. Department of Commerce, Office of Travel and Tourism Industries' (OTTI) forecast for international travel to the U.S. has just been revised. OTTI issues a forecast in May and October each year. The forecast is based upon information provided by the U.S., Canada, and Mexico and a model that was developed to determine the relationship between the changes in arrival patterns and what is happening economically in a country⁴. This relationship is used to forecast arrivals to the U.S. for the next several years. The current forecast period is for annual arrivals for 2002-2006.

The OTTI forecast data is extracted from the total overall number of persons crossing the U.S. borders. This data is based on those tourist and business non-immigrant travelers that are not categorized as daily commuters or frequent border crossers (i.e. couriers, truck drivers, etc.), persons in-transit through the U.S., diplomats, and military personnel, to name a few.

The forecast shows that in 2002, the U.S. will see similar arrivals totals as it did in 2001. Canada and Mexico are the top two arrival markets, posting a one and three percent growth rate for 2002. Overseas travel, which excludes Canada and Mexico, will be down two percent. The forecast also shows that travel will increase by eight percent in 2003 and 2004. The forecast for 2005-2006 indicates a seven percent overall growth rate to reach 60 million visitors by calendar year 2006.

⁴ U.S. - INS statistics regarding only those non-immigrant travelers that are documented by the INS Form I-94, arrival and departure information, excluding the diplomatic and military categories.

Canada - Statistics Canada provides the statistical data for residents of Canada that are traveling to the U.S., but excluding daily commuters, truck drivers, those individuals not staying at least one night, diplomats, and military, to name a few.

Mexico – Survey information from the Banco de Mexico for residents of Mexico that are traveling to the U.S., but excluding daily commuters or shoppers, truck drivers, those individuals not staying at least one night, diplomats, and military, to name a few.

Forecast of International Travel to the United States (Estimates in Thousands)

	2000	Change 00/99	2001e	Change 01/10	2002p	Change 02/01	2003p	Change 03/02	2004p	Change 04/03	2004p	Change 05/04	2006p	Change 06/05	Change 06/00	Change 06/01
ORIGIN	2000		2001e		2002p		2003p		2004p		2004p		2006p		06/00	06/01
Mexico	10,322	4%	3,558	-7%	9,807	3%	10,621	8%	11,506	8%	12,415	8%	13,409	8%	30%	40%
Canada	14,648	3%	13,507	-8%	13,622	1%	14,739	8%	15,730	7%	16,814	7%	17,839	6%	22%	32%
Overseas	25,975	6%	22,425	-14%	22,007	-2%	23,720	8%	25,557	8%	27,103	6%	28,752	6%	11%	28%
Europe	11,537	3%	3,185	-15%	9,840	0%	10,747	9%	11,575	8%	12,281	6%	13,001	6%	12%	32%
Asia	7,554	9%	6,378	-16%	6,238	-2%	6,683	7%	7,228	8%	7,636	6%	8,056	5%	7%	26%
South America	2,942	8%	2,605	-11%	2,342	-10%	2,415	3%	2,601	8%	2,775	7%	2,954	6%	0%	13%
Caribbean	1,331	6%	1,257	-6%	1,274	1%	1,374	8%	1,448	5%	1,513	5%	1,615	7%	21%	28%
Central America	822	12%	807	-2%	826	2%	904	10%	970	7%	1,013	4%	1,085	7%	32%	35%
Oceania	731	10%	622	-15%	658	6%	719	9%	779	8%	830	7%	882	6%	21%	42%
Middle East	702	12%	652	-7%	552	-15%	580	5%	633	9%	716	14%	808	12%	15%	24%
Africa	295	8%	290	-2%	277	-5%	299	8%	321	7%	337	5%	352	5%	19%	21%
Grand Total	50,945	5%	45,491	-11%	45,436	0%	49,080	8%	52,793	8%	56,332	7%	60,000	7%	18%	32%

P=projection; e = preliminary estimate

Some variance in data may occur due to rounding.

Source U.S. Department of Commerce, ITA, Office of Travel & Tourism Industries

1-10

D. ENTRY/EXIT PROCESS

Effective border management encompasses more than the inspections conducted at POEs; there is also a need to collect, maintain, and share information on individuals who enter and exit the U.S. Legislation requires the implementation of an entry/exit system that does the following:

- Provides access to and integrates alien arrival and departure information that is in an electronic format in DOJ and DOS databases;
- Records the arrival and departure of aliens required to be tracked, allowing the identification of people who have overstayed the period authorized;
- Facilitates the identification of lawfully admitted non-U.S. citizens;
- Records the entry/exit of VWP applicants traveling through air and sea POEs; and
- Interfaces with other law enforcement and intelligence agencies as appropriate.

The following describes the current process for entry/exit.

Entry/Exit at Land Border POEs: Currently, all legal and statistical information that is recorded for the entry/exit of travelers crossing the borders of the U.S. comes from the Form I-94, *Arrival/Departure Record*. Most applicants at Mexican and Canadian land borders are exempt from issuance of a Form I-94, so no entry information is collected on the vast majority of travelers who enter the U.S. through land border POEs. Mexican non-immigrants who are otherwise admissible, but who are entering for more than 72 hours and/or traveling beyond 25 miles of the border, or who are entering for other than business or pleasure, are issued a Form I-94. Applicants complete the form at entry and an inspector adjudicates it. The alien is given the departure portion of the form for proof of status while in the U.S. The arrival portion is kept by the INS and submitted for manual entry into NIIS.

Exit information is collected when a traveler returns the departure portion of the Form I-94. Individuals who are required to submit a Form I-94 at entry do not always turn in the departure portion of the form when they exit, resulting in inaccurate NIIS records. Canadian immigration officials collect some departure documents for INS; other I-94s are retained by the alien for reentry. Collection boxes for depositing departure I-94 forms are in place at some Mexican border crossings. Currently INS does not control or staff outbound traffic from the U.S.; other U.S. Government agencies perform certain outbound checks at select locations for law enforcement purposes.

Entry/Exit at Air POEs: Carriers electronically transmit manifests showing all passengers entering the U.S. using APIS, which is integrated with IBIS, to the POE prior to arrival. Upon arrival, all passengers except for U.S. citizens, lawful permanent resident aliens of the U.S., and immigrants to the U.S. must complete a Form I-94 which is reviewed at the primary inspection. If the alien is admissible, then the inspector stamps the date admitted on the form.

The alien is given the departure portion of the form for proof of status while in the U.S. The arrival portion is kept by the INS and submitted for manual entry into NIIS.

Once the last passenger from the flight has been cleared, citizen/alien counts must be completed on the Form I-92, *Aircraft/Vessel Report*. The alien count is the tally of all the I-94s collected for the flight. The citizen count includes U.S. citizens, alien residents, immigrants, and any non-immigrants who do not require a Form I-94. Every INS airport inspection facility is required to maintain a Form I-577, *Daily Air Passenger Inspection Log*, containing key information about each arriving aircraft.

Entry/Exit at Sea POEs: All passengers except for U.S. citizens, lawful permanent resident aliens of the U.S., and immigrants to the U.S. must complete a Form I-94, which is reviewed at the primary inspection. If the alien is admissible, then the inspector stamps the date admitted on the form. The alien is given the departure portion of the form for proof of status while in the U.S. The arrival portion is kept by the INS and submitted for manual entry into NIIS. When all passengers and crewmembers have been inspected, the inspector prepares a Form I-92 and bundles it with the I-94s collected during inspection and forwards them for data entry.

Vessels are required to submit departure manifests at the POE. Arrival manifests are kept at the port for 6 months. If no departure manifest is received within 60-90 days of the vessel's arrival, the port contacts the last scheduled port shown on the Form I-418 or the vessel's agent. Upon receipt of a departure manifest, the Form I-418 receipt number is matched with the arrival manifest to ensure accountability for all crewmembers.

Air and Sea Legislative Requirements: Legislation requires air and sea carriers to submit departure manifests as of October 2002. As a person checks in, the agent checks for the proper travel documentation, such as a valid passport and onward visa to enter another country. If the departure portion of either the Form I-94 or Form I-94W is found in the passport, the agent pulls the form and stamps the back with the departure information and the date of departure. All of the departure I-94s or I-94Ws are collected, bound together with a Form I-92 and submitted as the departure manifest. Air and sea carriers are required to submit departure manifests. The POE is responsible for reviewing and sorting the departure forms and forwarding them for data entry. In addition, POEs must also obtain departure schedules and ensure that manifests are received for all scheduled departures. Unlike arrival forms, departure I-94 forms do not have to be separated, except for Form I-94T, *Transit Without Visa (TWOV)*. Departing aliens are presumed responsible for returning the Form I-94 when leaving the U.S., but there is no penalty for not returning the form in a timely manner.

Deficiencies in the Current Entry/Exit Process: The current process for recording entry/exit is paper-driven and inconsistent, relying on the use of I-94s, which are handwritten (sometimes illegibly) and the manual input of data, which allows for human error. Furthermore, effective border management includes issuing and managing visa information, sharing watchlist data among law enforcement agencies and the intelligence community, and adjudicating the status of aliens already in this country. These activities are presently performed without a unified infrastructure to integrate processes or the technology to use the available information. These gaps result in:

- Limited ability to validate (using biometrics) and record traveler identity with the documents provided;
- Limited ability to access, share, and use information; and
- Limited ability to accurately record certain alien arrivals, stay activities, and departure information.

Impact of the Current Entry/Exit Deficiencies: In general, current deficiencies lead to duplication of effort, decreased productivity, and difficulties in enforcing applicable laws. Current deficiencies may affect private individuals and commercial carriers by leading to stagnated commerce, protracted wait times, and traveler inconvenience. As a result of the current border management program:

- There is not a current system-wide differentiation between high and low risk traffic.
- Some unauthorized aliens, including possible national security threats, are able to enter, stay, and depart the U.S. undetected.
- Non-immigrants remaining beyond the period of authorized stay are not all identified.
- The flow of lawful travel and commerce crossing the border is inefficient.
- The nation is unable to accurately forecast security threats and trends.
- Some alien arrival and departure information is inaccurate.
- Records of alien activities are inconsistent, inaccurate, and delayed.
- Federal agencies are unable to meet some of the current and proposed congressional reporting requirements.
- It is a challenge to integrate stay management activities with entry/exit data.

In addition to enforcement and security issues, the data collected are necessary for calculating and forecasting trade and tourism, as there are no private sector sources for this data.

Information is reprocessed monthly by the U.S. Department of Commerce, Office of Travel and Tourism Industries, and distributed to the Bureau of Economic Analysis for configuring the balance of trade. Data are used in the calculation of the Gross Domestic Product for the country. The data are distributed and used by the travel and tourism industry as the census for travel flows in and out of the country. The monthly data is reported to the World Tourism Organization for global market share measures. The data also serves as the weights for the In-flight Survey of International Air Travelers for providing state and city estimates of travelers. Other uses for the data are for the calculation of the economic impact of travel on state economies, and for a forecast on international arrivals to the country as well as the states and cities visited. There is no private sector source for this data.

This sharing of data between agencies, although cumbersome given the current processes, is critical. As the entry/exit requirements develop into an electronic collection format, it is imperative to ensure compliance with current data-collecting requirements and continue to provide necessary travel statistics.

The Task Force recommendations that follow attempt to address these issues.

